

REMARKS

This Amendment is submitted in reply to the Office Action dated July 8, 2005. Applicant respectfully requests reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Previously Filed Information Disclosure Statement

Enclosed is a copy of an Information Disclosure Statement that was mailed to the USPTO on December 10, 2004. Also, enclosed is a copy of the returned Acknowledgment Postcard. Applicant respectfully requests consideration of the Information Disclosure Statement.

Summary of the Examiner's Rejections

Claims 30, 31, 35, and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by Kath ('599).

Claims 2-29, 32-34, 36, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kath ('599) or Bruins et al ('279).

Summary of Amendment

Applicant has canceled claims 20, 28 and 38 without prejudice and amended Claims 2, 11, 29, and 30 to more particularly define the present invention.

Remarks regarding § 102(b) rejection

Claims 30, 31, 35, and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by Kath ('599). Applicant respectfully submits that amended independent Claim 30 is patentable over Kath. The claimed invention as recited in amended independent Claim 30 (for example) follows:

30. A method of controlling at least one condition within a building, comprising the steps of:
detecting said at least one condition within said building;
transmitting an impulse radio signal containing sensor related information;
receiving said impulse radio signal;
using position detection capabilities of impulse radio technology to determine a position of a sensor that performs the detecting step; and
controlling at least one device associated with said building based upon said sensor related information and said position of said sensor (emphasis on main distinguishing limitations).

Applicant respectfully submits that Kath does not disclose, teach or suggest the subject matter as recited in amended independent Claim 30. In particular, Kath fails to disclose a method of controlling at least one condition with a building as claimed which includes the steps of using position detection capabilities of impulse radio technology to determine a position of a sensor and controlling at least one device associated with the building based upon received sensor related information and the position of the sensor (emphasis added). Instead, Kath discloses a thermostat assembly (transmitter 20) that is a portable unit contained within a housing, which may be temporarily or permanently mounted to a wall or other appropriate surface (see col. 5, lines 12-14). Kath apparently assumes that a given thermostat assembly is located somewhere within an area being served by a heating and air conditioning unit. But, Kath never mentions the determination of a position of the thermostat assembly let alone using the knowledge about the position of the thermostat assembly to control the heating and air conditioning unit. Both of these features are recited in amended independent Claim 30. As such, Applicant respectfully submits that the aforementioned differences between Kath and the amended independent Claim 30 and its associated dependent Claims 31-37 are indicative of the patentability of the present invention.

Remarks regarding § 103(a) rejection

Claims 2-29, 32-34, 36, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kath ('599) or Bruins et al ('279). Applicant respectfully submits that amended independent claims 2 and 11 are patentable over Kath and/or Bruins. The claimed invention as recited in amended independent Claim 2 (for example) follows:

2. A monitoring device, comprising:
 - a sensor, said sensor detecting at least one condition within a building;
 - a first ultra wideband carrier wave-less impulse radio unit interfaced with said sensor;
 - said first ultra wideband carrier wave-less impulse radio unit transmitting an impulse radio signal containing sensor related information to a second ultra wideband carrier wave-less impulse radio unit interfaced with a control station;
 - said first ultra wideband carrier wave-less impulse radio unit interacting with at least two reference ultra wideband carrier wave-less impulse radio units to enable a determination of the position of the sensor within the building; and
 - wherein said sensor related information and said position of said sensor are used by the control station to control at least one device associated with said building (emphasis on the main distinguishing limitations).

11. A system for controlling at least one condition within a building, comprising:
a sensor, said sensor detecting said at least one condition within said building;
a first ultra wideband carrier wave-less impulse radio unit interfaced with said sensor,
said first ultra wideband carrier wave-less impulse radio unit transmitting an impulse radio
signal containing sensor related information;
at least two reference ultra wideband carrier wave-less impulse radio units which
interact with said first ultra wideband carrier wave-less impulse radio unit to enable a
determination of the position of the sensor within the building;
a second ultra wideband carrier wave-less impulse radio unit to receive said impulse
radio signal; and
a control station, said control station interfaced with said second ultra wideband
carrier wave-less impulse radio, wherein said control station uses said sensor related
information and said position of said sensor to control at least one device associated with said
building (emphasis on the main distinguishing limitations).

Applicant respectfully submits that neither Kath nor Bruins disclose, teach or suggest the subject matter as recited in amended independent Claims 2 and 11. In particular, Kath and Bruins fail to disclose a monitoring device or a system which includes a first ultra wideband carrier wave-less impulse radio unit that interacts with at least two reference ultra wideband carrier wave-less impulse radio units to enable a determination of the position of a sensor within a building and where a control station uses sensor related information and the position of the sensor to control at least one device associated with the building (emphasis added). Instead, Kath discloses a thermostat assembly (transmitter 20) that is a portable unit contained within a housing, which may be temporarily or permanently mounted to a wall or other appropriate surface (see col. 5, lines 12-14). Kath apparently assumes that a given thermostat assembly is located somewhere within an area being served by a heating and air conditioning unit. But, Kath never mentions the determination of a position of the thermostat assembly let alone the use of the knowledge about the position of the thermostat assembly to control the heating and air conditioning unit. Both of these features are recited in amended independent Claims 2 and 11. And, Bruins appears to disclose a security system where various types of sensors (detector apparatuses) can transmit information to a central apparatus and where the sensors are placed near doors or windows or within an area to be protected. But, Bruins never mentions where a position of any of the sensors (detector apparatuses) is determined let alone how this position information is used to control a device. Again, both of these features are recited in amended independent Claims 2 and 11. As such, Applicant respectfully submits that the aforementioned differences between Kath and Bruins and the amended independent Claims 2 and 11 and their associated dependent Claims 3-10 and 12-19, 21-27 and 29 are indicative of the patentability of the present invention.

Conclusion

From the foregoing, Applicant respectfully submits that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicant respectfully requests reconsideration of all outstanding rejections and allowance of pending Claims 2-19, 21-27 and 29-37.

If the Examiner believes, for any reasons, that personal communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the number provided.

Enclosed is a USPTO Credit Card Payment Form filled out for \$ 225.00 to cover the fee for the two-month extension. If this is incorrect, the Commissioner is authorized to charge any fees which may be required for this paper to Deposit Account No. 50-1481.

Respectfully submitted,



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